

DELEGATION OF AUTHORITY

DATE: 8 / 5 / 2009

SOLID WASTE DISPOSAL ACT

8-9-A. Administrative Enforcement: Issuance of
Complaints, Signing of Consent Agreements, etc.

1. PURPOSE AND LEGAL AUTHORITY.

A. Purpose. To redelegate the authorities contained in Delegation 8-9-A issued by EPA Headquarters on May 11, 1994.

B. Authority. Pursuant to the Solid Waste Disposal Act (SWDA), to:

- (1) make determinations of violations of Subtitle C;
- (2) issue warning letters or other notices;
- (3) issue compliance orders;
- (4) issue notices to States;
- (5) issue complaints;
- (6) negotiate consent agreements memorializing settlements between the Agency and respondents; and
- (7) sign consent agreements memorializing settlements between the Agency and respondents.

2. TO WHOM DELEGATED.

A. This authority is delegated to the Director, Office Of Environmental Stewardship.

B. The Director, OES, further redelegates this authority as follows:

- (1) The functions in 1.B.(1) and 1.B.(2) are delegated to the Manager, RCRA, EPCRA and Federal Programs Unit, OES.
- (2) The functions in 1.B.(3), 1.B.(5) and 1.B.(7) are delegated to the Manager, Legal Enforcement Office, OES.
- (3) The functions in 1.B.(4) and 1.B.(6) are delegated to Agency attorneys as designated by the Manager, Regulatory Legal Unit, OES, or appropriate OES technical program staff, as designated by the Manager, Regulatory Legal Unit, OES, in consultation with the Manager, RCRA,

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EPCRA and Federal Programs Unit, OES.

3. REDELEGATION AUTHORITY.

A. The functions in 1.B.(1), 1.B.(2), 1.B.(4) and 1.B.(6) may not be redelegated.

B. The functions in 1.B.(3), 1.B.(5) and 1.B.(7) may be redelegated to the Section Chief level or equivalent.

4. LIMITATIONS.

A. This authority may only be exercised prior to the alleged violator's filing an answer or failure to file an answer to a complaint.

B. Delegates in paragraph 2 above, or their designees, may exercise these authorities only for those cases initiated by the Region.

C. Prior to issuing orders or signing consent agreements, the Manager, Legal Enforcement Office, OES, or his/her designee, shall consult with the Manager, Regulatory Legal Unit, OES, or his/her designee.

D. The Manager, Legal Enforcement Office, OES, or his/her designee, shall consult with the Regional Counsel, or his/her designee, on significant counseling issues.

E. This authority may not be redelegated without the concurrence of the Regional Directives Officer, Human Resources Office, Office of Administration and Resource Management.

5. ADDITIONAL REFERENCES.

A. Sections 3001 (b)(3)(B)(iv) and 3008 (except 3008(h)) of SWDA.

B. See the Chapter 8 Delegations entitled:

(1) "Determination That There Is or Has Been a Release";

(2) "Administrative Enforcement - Corrective Action Authority: Issuance of

DELEGATION OF AUTHORITY

DATE: 8 / 5 / 2009

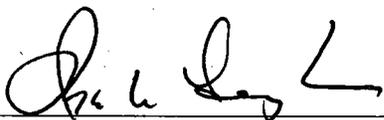
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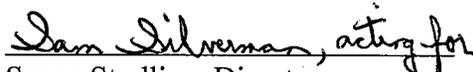
Complaints and Orders, Signing of Consent Agreements"; and

(3) "Administrative Enforcement - Corrective Action: Agency Representation in
Hearings and Signing of Consent Agreements."

6. SUPERSESSION. Region 1 Delegation of Authority 8-9-A, dated November 11, 2000.



Ira Leighton
Acting Regional Administrator



Susan Studlien, Director
Office of Environmental Stewardship

8/5/09

Date

7-29-08

Date

